

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GATEGUARD, INC.

Plaintiff,

Civil Action No. 21-cv-9321 (JGK)

v.

**FIRST AMENDED INDIVIDUAL
AND CLASS ACTION**

COMPLAINT

AMAZON.COM, INC.,
AMAZON.COM SERVICES, INC.,

JURY TRIAL DEMANDED

AMAZON.COM SERVICES, LLC,
AMAZON LOGISTICS, INC.

Defendants.

DECLARATION OF ARI TEMAN

I, Ari Teman, declare under penalty of perjury that the following is true and correct.

1. The criminal trial against me was based largely on the testimony of three individuals, Elie Gabay, Bonnie Soon-Osberger, and Joseph Soleimani. These individuals are property owners or managers in Manhattan whose companies had outstanding debts to GateGuard.

2. To collect on these debts, I used a legal mechanism known as a “remotely created check” or an “RCC.” Gabay, Soon-Osberger and Soleimani stated either that they had chosen not to or could not remember whether they had reviewed the online terms that provided for the use of RCC’s. Because the online terms also specify GateGuard’s ownership of its devices, Gabay’s, Soon-Osberger’s and Soleimani’s self-serving testimony as to ownership should not be credited.

3. In any event, the claims of Gabay, Soon-Osberger and Soleimani are not typical of GateGuard's current customers, who do not dispute GateGuard's ownership of its intercom devices.

4. Moreover, I believe I am innocent of the charges against me and that I will be vindicated on appeal. This view is shared by prominent legal scholars. Attached as Exhibit A hereto is a true and accurate copy of a letter from Professor Laurence Lessig of Harvard University Law School opining that acts taken during a "business dispute" over the enforcement of an online agreement "certainly do not establish a crime nor evince any criminal intent."


5. However, in the event my appeal is unsuccessful, I will designate a senior officer of GateGuard to represent the Company with respect to the class claims asserted in the First Amended Complaint.

6. On Monday, December 10, 2018, a trademark application was filed for "GateGuard" with the United States Patent and Trademark Office (the "USPTO").

7. The GateGuard mark was registered as of Tuesday, August 6, 2019 with the serial number 88223486. The trademark is owned by GateGuard, Inc..

8. I believed my former counsel, Ariel Reinitz, had filed a New York state trademark registration. When I discovered that was not the case, I filed a trademark New York trademark application on May 4, 2022.

Executed: May 9, 2022

By:  _____

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